

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA

CIVIL ACTION NO. 09-0099

VERSUS

JUDGE ROBERT G. JAMES

**EDNA WHITE WARE AND THE
UNOPENED SUCCESSION OF
REGINALD B. WARE**

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On October 8, 2015, Plaintiff the United States of America for the Farmers Home Administration, now known as Farm Service Agency of the United States Department of Agriculture (“the United States”), filed a Motion for Summary Judgment seeking an in rem judgment against Defendants Edna White Ware (“Edna Ware”) and the Unopened Succession of Reginald B. Ware (“the Unopened Succession”). [Doc. No. 28]. At the time the Motion for Summary Judgment was filed, Edna Ware represented herself and Kenneth Brister (“Brister”) represented the Unopened Succession in accordance with Louisiana Code of Civil Procedure article 5091. [Doc. No. 3].¹

On November 30, 2015, Brister filed a Motion to Withdraw as counsel for the Unopened Succession. [Doc. No. 35]. On December 2, 2015, the Court granted that motion. [Doc. No. 36]. However, the Court erred in granting Brister’s Motion to Withdraw because it cannot enter judgment against the Unopened Succession unless the Unopened Succession is represented by a succession representative or court-appointed counsel in accordance with Louisiana Code of Civil Procedure article 5091. *See, e.g., Martin v. Unopened Succession of Martin*, 49,573-CA (La. App. 2 Cir.

¹Brister was appointed by the Court to represent the Unopened Succession on January 26, 2009. [Doc. No. 3].

1/14/15); 161 So.3d 1010, 1018; *State Through Dep't. of Transp. & Dev. v. Estate of Davis*, 572 So.2d 39, 42 (La. 1990); *Holland v. Unopened Succession of Holland*, 562 So.2d 1022, 1024 (La. App. 3 Cir. 1990). Accordingly, IT IS ORDERED that Brister is REINSTATED as counsel for the Unopened Succession.

IT IS FURTHER ORDERED that the Unopened Succession shall file any opposition to the United States' pending Motion for Summary Judgment by Wednesday, May 18, 2016.

MONROE, LOUISIANA, this 9th day of May, 2016.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE